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4 UNITED STATES DISTRICT COURT

5 Northern District of California

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7 MAX ROSSITTO,

No. C 12-05857 MEJ

8 Plaintiff,

9 **AMENDED ORDER RE**  
**STIPULATION FOR CONTINUANCE**

v.

10 SAFEWAY INC,

11 Defendant.

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12 On September 13, 2013, the parties in this matter filed a Stipulation for Continuance of Trial,  
13 indicating that because Plaintiff's counsel has been scheduled for surgery and will be unavailable in  
14 October 2013, the parties have requested that the Court vacate the hearing date on Defendant's  
15 motion for summary judgment set for October 10, 2013, and the February 10, 2014 trial date and  
16 attendant pre-trial deadlines. Dkt. No. 23 at 2. The parties also indicated that, "[t]his stipulation has  
17 no effect upon the existing deadlines for filing and exchange of briefs related to Defendant, Safeway,  
18 Inc.'s motion for summary judgment." *Id.*

19 Accordingly, the Court hereby **CONTINUES** the hearing on Defendant's Motion for  
20 Summary Judgment to 10:00 a.m. on **November 14, 2013 in Courtroom B.**

21 The Court **VACATES** the February 10, 2014 trial date and deadlines for exchange of pre-trial  
22 documents and will re-set those dates, if necessary, after disposition of Defendant's summary  
23 judgment motion.

24 **IT IS SO ORDERED.**

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26 Dated: September 18, 2013

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Maria-Elena James  
United States Magistrate Judge